

### REMARKS/ARGUMENTS

1. Applicants have never received a Filing Receipt or any correspondence in regard to Patent Application No. 10/638,989, Attorney Docket No. S230-USA.

2. The patent application had been deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" under 37 CFR § 1.10 on August 11, 2003 addressed to Commissioner for Patents, Mail Stop Patent Applications, P.O. Box 1450, Alexandria, VA 22313-1450 with the Express Mail Label No. EV 292195076 US.

At the time the PCT Application No. PCT/US03/25074, Attorney Docket No. S230-PCT was filed with the Express Mail Label No. EV 292195080 US as well. The PCT application was processed without any disturbance.

3. Enclosed, please find as Annex 1, a customer copy of the Express Mail label (Label No. EV 292195076 US). Although it cannot be confirmed anymore that the Express Mail was delivered at the US Patent and Trademark Office since the US Postal Service keeps the information in the archive only for eighteen months, it can be shown that Applicants were billed for the Express Mail on August 11, 2003. Please see Annex 2, which is an Express Mail Corporate Account mailing statement showing the date of August 11, 2003, Label No., and destination ZIP code 22313.

4. The application was received by the US Patent and Trademark Office, and the Application No. 10/638,989 was assigned. The official fee of \$450 was deducted from Applicant's Deposit Account No. 50-0922. Please see Annex 3 which is a Deposit Account No. 50-0922 statement of August 2003.

5. Enclosed, please find a copy of the application and the Invention Disclosure Statement as filed on August 11, 2003. Please see Annex 4.

6. Applicant's hereby respectfully petition to revive the Application No. 10/638,989 with the filing date of August 11, 2003 and to issue a Filing Receipt, and further process the application.

Respectfully submitted,

March 28, 2006

Date

Tomas Lendvai

Tomas Lendvai, Ph.D.

Reg. No. 57,488

Second Sight Medical Products, Inc.

12744 San Fernando Road

Building 3

Sylmar CA 91342

Phone (818) 833-5072

Fax (818) 833-5080

TLV/dlf

Enclosures:

Annex 1

Annex 2

Annex 3

Annex 4

Copy of Express Mail Label No. EV292195076US

Copy of Express Mail Corporate Account Mailing Statement

Copy of Deposit Account Statement No. 50-0922

Patent Application as Filed and Invention Disclosure Statement as

Filed on August 11, 2003